

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT J. ALEXANDER-CAMPOS,  
Plaintiff,

v.

MILTON GERMAN MARIN-REYES, et  
al.,  
Defendants.

Case No. [22-cv-03149-PJH](#)

**ORDER OF DISMISSAL**

Plaintiff, a detainee, filed a pro se civil rights complaint under 42 U.S.C. § 1983. He has been granted leave to proceed in forma pauperis.

**DISCUSSION**

**STANDARD OF REVIEW**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.

§ 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although a complaint “does not need detailed factual allegations, . . . a plaintiff’s obligation to provide the ‘grounds’ of his

1 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic  
2 recitation of the elements of a cause of action will not do. . . . Factual allegations must  
3 be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v.*  
4 *Twombly*, 550 U.S. 544, 555 (2007) (citations omitted). A complaint must proffer "enough  
5 facts to state a claim to relief that is plausible on its face." *Id.* at 570. The United States  
6 Supreme Court has explained the "plausible on its face" standard of *Twombly*: "While  
7 legal conclusions can provide the framework of a complaint, they must be supported by  
8 factual allegations. When there are well-pleaded factual allegations, a court should  
9 assume their veracity and then determine whether they plausibly give rise to an  
10 entitlement to relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

# 11 **LEGAL CLAIMS**

12 Plaintiff states that he was attacked at a car dealership by an employee. He also  
13 states that he was improperly arrested and is currently being prosecuted by the district  
14 attorney's office which has not turned over exculpatory evidence.

15 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that: (1) a right  
16 secured by the Constitution or laws of the United States was violated, and (2) the alleged  
17 deprivation was committed by a person acting under the color of state law. *West v.*  
18 *Atkins*, 487 U.S. 42, 48 (1988).

19 Under principles of comity and federalism, a federal court should not interfere with  
20 ongoing state criminal proceedings by granting injunctive or declaratory relief absent  
21 extraordinary circumstances. *See Younger v. Harris*, 401 U.S. 37, 43-54 (1971). Federal  
22 courts should not enjoin pending state criminal prosecutions absent a showing of the  
23 state's bad faith or harassment, or a showing that the statute challenged is "flagrantly and  
24 patently violative of express constitutional prohibitions." *Id.* at 46, 53-54 (cost, anxiety  
25 and inconvenience of criminal defense not kind of special circumstances or irreparable  
26 harm that would justify federal court intervention; statute must be unconstitutional in  
27 every "clause, sentence and paragraph, and in whatever manner" it is applied).  
28

1 To the extent plaintiff seeks money damages due to the assault from a private  
2 citizen, he is not entitled to relief under § 1983 because the employee of the car  
3 dealership was not acting under the color of state law. Plaintiff may be able to seek relief  
4 in state court. Nor has plaintiff demonstrated extraordinary circumstances to warrant  
5 federal court intervention in his criminal prosecution. Plaintiff should speak to his  
6 assigned counsel regarding exculpatory evidence.

7 **CONCLUSION**

- 8 1. This action is **DISMISSED** for failure to state claim.  
9 2. The clerk shall close this case.

10 **IT IS SO ORDERED.**

11 Dated: July 7, 2022

12  
13 /s/ Phyllis J. Hamilton

14 PHYLLIS J. HAMILTON  
15 United States District Judge  
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